

REMARKS

Claims 1-70 were originally filed in the present case. Claims 1-70 were canceled and claims 71-130 were filed in a previous amendment. Claims 100, 105-109, 112, 115-120 and 122-130 are canceled, claims 131-133 are added, and claims 71, 93, 104, 110-111 and 121 are amended in the present amendment. Therefore, claims 71-104, 110-111, 113-114, 121 and 131-133 are currently pending.

In the Final Office Action of December 28, 2004 the Examiner states: "Claims 75, 87-89, 96, 99, 100, 109, 112-114, 124, 126 and 129 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (Final Office Action of December 28, 2004, page 7). Applicants herein rewrite the objected to claims in independent form and cancel the remaining claims. As such, the claims as amended are allowable.

In order to further the prosecution of the present case, Applicants have amended claims 71 and 93 to recite "a phosphate based solvent", amended claim 89 to recite base claim 71, amended claim 104 to recite "a surface of a human", amended claims 110-111 to recite base claim 104 and to recite "a human", and amended claim 121 to recite "a food product". New claims 131-133 are fully supported in the specification, do not add new matter, and correspond to objected to claim 112 in independent form (claim 131). Applicants note that all amendments and canceling of claims presented herein are made without acquiescing to the Examiner's arguments, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG)¹, and without waiving the right to prosecute the amended or canceled claims (or similar claims) in the future. Therefore, claims 71-104, 110-111, 113-114, 121, and 131-133 should be passed into allowance.

¹ 65 Fed. Reb. 54603 (Sept. 8, 2000).

PATENT

U.S. Patent Application No. 09/751,059

Attorney Docket No. UM-04491

Conclusion

All grounds of rejection of the Final Office Action of December 28, 2004 have been addressed and reconsideration of the application is respectfully requested. It is respectfully submitted that Applicant's claims as amended should be passed into allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

Dated: 2/1/05



David A. Casimir
Registration No. 42,395

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105